

06-05-00

Burnett, et al. Reissue Application of U.S. Patent 5,762,965

ARE

EXPRESS MAIL NO. EK044771881US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING REISSUE PATENT APPLICATION

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is a request for a reissue patent application of:

Inventor: Paul R. Burnett, John E. Van Hamont, Robert H. Reid,
Jean A. Setterstrom, Thomas C. Van Cott, Deborah L. Birx

Title: VACCINES AGAINST INTRACELLULAR PATHOGENS USING
ANTIGENS ENCAPSULATED WITHIN BIODEGRADABLE-
BIOCOMPATIBLE MICROSPHERES

Patent No: 5,762,965 **Issue Date:** June 9, 1998

Serial No.: 08/598,874 **Filing Date:** February 9, 1996

Date of this reissue application filing: June 2, 2000

Attorney docket no: Army 105

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This application for reissue includes:

☒ Specification: 8 pages (only spec. and claims)
☒ Abstract: 1 page(s)
☒ Drawings:* 2 sheet(s) per set:
 1 set(s) informal (Figs. 1 & 2);
 set(s) formal of size A4 13" 14"

***see separate letter requesting transfer of the drawings from the patent file**

☒ Declaration
☒ Assent of Assignee
Request for Title Search
Verified Statement establishing small entity status
☒ Power of Attorney (included in Declaration)
☒ Also attached:
 (1) Form PTO-1449
 (2) copies of references cited
 (3) Letter Requesting Transfer of Drawings from the Patent File

- (4) Amendment to Reissue Application under 37 CFR §1.121 & 1.173
(5) 2 pages of additional claims 15-33 (pages 7 and 8)

Priority is claimed under 37 CFR 1.78(a)(3) based on: continuation in part of Ser. No. 242,960, filed May 16, 1994 and Ser. No. 08/446,149, filed May 22, 1995, which is a continuation of Ser. No. 590,308, filed March 16, 1984, abandoned, said Ser. No. 242,960, is a continuation-in-part of Ser. No. 867,301, filed April 10, 1992, Patent No. 5,417,986, which is a continuation-in-part of Ser. No. 805,721, filed November 21, 1991, abandoned, which is a continuation-in-part of Ser. No. 690,485, filed April 24, 1991, abandoned, which is a continuation-in-part of Ser. No. 521,945, filed May 11, 1990, abandoned.

Fee Calculation:

Basic Filing Fee	(\$760/\$380)				\$ 690
Claim fees:					
	<u>Claims in</u>	<u>Claims in</u>			
	<u>reissue app.</u>	<u>orig. patent</u>			
Total effective					
claims	(A) 44	(B) 25	(A) minus [larger of (B) or 20] = 19	x \$18/\$9=	\$342
Total indep.					
claims	(D) 2	(E) 1	(D) minus (E)	= 1 x \$78/\$39=	\$78
Title Search Fee (\$25.00)					\$
Petition Fee per Rule 17(h) for Rule 47 Petition (\$130.00)					\$
Other Fees:					\$

TOTAL FEES

\$1110.00

CHARGE STATEMENT: The Commissioner is hereby authorized to charge the above fee and any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Deposit Account No. 21-0380, for which purpose a duplicate copy of this sheet is attached.

Submitted by: _____

Caroline Nash

For: Elizabeth Arwine, Reg. No. 45867
Attorney for Applicant
U.S. Army Medical Research and Materiel
Command, Attn: MCMR-JA
Fort Detrick, Maryland 21702-5012

Caroline M. Nash
Attorney for Applicant
Reg. No. 36, 329
Nash & Titus, LLC
3415 Brookeville Road
Suite 1000
Brookeville, Maryland 20833
Tel. No. (301) 924-9500
Fax. No. (301) 924-5883

NOTE: File in duplicate with post card receipt

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Burnett, et al.

Docket No.

Army 105

Serial No.

U.S. Pat. 5,762,965

Filing Date

Issue date June 9, 1998

Examiner

Criares

Group Art Unit

1205

Invention: **VACCINES AGAINST INTRACELLULAR PATHOGENS USING ANTIGENS ENCAPSULATED WITHIN BIODEGRADABLE-BIOCOMPATIBLE MICROSPHERES**

I hereby certify that this **Request for Filing Reissue Patent Application**
(Identify type of correspondence)

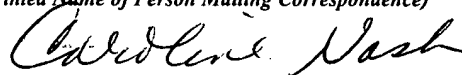
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on

June 2, 2000
(Date)

Caroline Nash

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EK044771881US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

BURNETT et al. REISSUE of U. S. Patent No. 5,762,965

Appln. No.: TBA

Group Art Unit: TBA

Filed: Herewith

Examiner: TBA

Title: VACCINES AGAINST INTRACELLULAR PATHOGENS USING
ANTIGENS ENCAPSULATED WITHIN BIODEGRADABLE-
BIOCOMPATIBLE MICROSPHERES

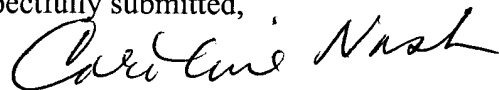
LETTER REQUESTING TRANSFER OF THE DRAWINGS
FROM THE PATENT FILE UNDER MPEP 1413

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please transfer the drawings upon which the original patent was issued to this reissue application in lieu of new drawings. No changes whatsoever are to be made in the drawings. Temporary drawings which consists of a copy of the printed drawings of the patent or photoprint of the original drawings of the size required for original drawings are submitted with this reissue application.

Respectfully submitted,



Date:

June 2, 2000

For: Elizabeth Arwine, Reg. No. 45,867
Attorney for Applicant
U.S. Army Medical Research and Materiel
Command, Attn: MCMR-JA
504 Scott Street
Fort Detrick, Maryland 21702-5012

Caroline M. Nash, Reg. No. 36, 329
Nash & Titus, LLC
3415 Brookeville Road
Suite 1000
Brookeville, Maryland 20833

EXPRESS MAIL NO. EK044771881US
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING REISSUE PATENT APPLICATION

In re Reissue Application of
Burnett et al.

U.S. Patent No. 5,762,965

Group Art Unit: unknown

Reissue Serial No.: unknown

Examiner: unknown

Reissue Filed: June 2, 2000

**FOR: VACCINES AGAINST INTRACELLULAR PATHOGENS USING ANTIGENS
ENCAPSULATED WITHIN BIODEGRADABLE-BIOCOMPATIBLE
MICROSPHERES**

The Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTICE OF CORRESPONDENCE ADDRESS

Sir:

Please direct all correspondence in the above reissue application to the following:

Caroline Nash, Reg. No. 36,329
Nash & Titus, LLC
3415 Brookeville Road, Suite 1000
Brookeville, Maryland 20833
USA

Please direct all telephone calls to Caroline Nash at:
(301) 924-9500 office
(301) 924-5883 fax

June 2, 2000

Respectfully submitted,

Caroline Nash
Caroline Nash
NASH & TITUS, LLC